



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/552,088 04/19/00 LIGHT

E

EXAMINER

TM02/0713

JON L ROBERTS ESQ
ROBERTS ABOKHAIR & MARDULA LLC
11800 SUNRISE VALLEY DRIVE SUITE 1000
RESTON VA 20191-5302

ELISCA.P

ART UNIT

PAPER NUMBER

2161

DATE MAILED:

07/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/552,088

Applicant(s)

Elliot D. Light et al.

Examiner

Pierre E. Elisca

Group Art Unit

2161



☒ Responsive to communication(s) filed on Apr 19, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-128 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-128 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2161



Examiner Pierre Eddy Elisca

United States Department of Commerce

Patent and Trademark Office

Washington, D. C. 20231

DETAILED ACTION

1. This office action is in respond to Application serial number 09/552,088 filed on 04/19/2000.
2. Claims 1-128 are presented for examination.

NOTE

3. Examiner hereby mentions to the Applicant that: Applicant's claimed invention **INFRINGES** all over the prior art **WWW.ecode.com** of record.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

Art Unit: 2161

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1, 2 and 6-128 are rejected under 35 U.S.C. 102 (e) as being anticipated by Rowney et al. (U.S. Pat. No. 5,987,140).

As per claims 1 and 8-128, Rowney discloses an article of manufacture for secure network electronic payment which is equivalent to Applicant's claimed invention wherein said a system for data recipient electronic transactions comprising:

a first network (see., abstract, fig 1B, customer); and

a second network (see., abstract, fig 1B, merchant); and

at least one data recipient computer associated with at least one data recipient and connected to the first network, wherein the at least one data recipient computer further comprises web server software for hosting a web page and executing client software for allowing the at least one data recipient to send and receive information over the first network (see., abstract, fig 1C, element 180); and

at least one gateway connected to the first network and a second network wherein the at least one gateway further comprise gateway software for allowing the file exchange between the first and second networks (see., abstract, fig 1C, col 1, lines 18-67); and

at least one data subject network communication device (Internet) associated with at least one data subject and connected to the second network, wherein the at least one data subject further comprises

Art Unit: 2161

software for accessing and communicating over the second network to the gateway and to send and receive information over the first network (col 1, lines 18-67, col 4, lines 21-67); at least one data repository (or data structure as Applicant specify in fig 1, element 140) connected to the at least one gateway computer and to the at least one data recipient computer via the first network, wherein the at least one data repository further comprises data repository software, and wherein the client software further comprises instructions for forwarding a data recipient's offer to the at least one data repository via the gateway computer, the second network, and the software and the data repository software further comprises instructions for gathering information to complete a transaction (see., col 4, lines 32-45, col 7, lines 61-67, col 8, lines 1-3, fig 1B). And the software identifier is a cookie (is readable as an encrypted key or token, see., figs 6B, fig 8 and 10)

As per claim 2, Rowney discloses the claimed limitation, wherein the data repository further comprises instructions to send the purchasing information to the at least one data recipient computer (see., col 7, lines 61-67, col 8, lines 1-3, fig 1B).

As per claims 6, 7, Rowney discloses the claimed limitation, wherein the client software and the software send and receive files in a common computer language, and wherein the common computer language is selected from a group consisting of HTML, XML, and WNL (see., col 8, lines , col 9, lines 1-50).

Art Unit: 2161

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-5 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Rowney et al. (U.S. Pat. No. 5,987,140).

As per claims 3-5 Rowney discloses the claimed limitation, but he fails to teach the steps of consisting of the Internet, LANS, WANS, Wireless and cable networks. However, Examiner hereby takes Official notice that LANS, WANS, wireless or cell, and cable networks are notoriously well-known in the art, and therefore, it would have been obvious to a person of ordinary skill in the art to modify the article of manufacture of Rowney by including LANS, WANS, wireless or cell, and cable networks because LAN, WAN are geographic area equivalent to a standard metropolitan statistical that shared transmission medium and packet broadcasting and wireless and cable networks are way of communications (i.e satellite or coaxial cable or other means of communications).

Conclusion

8. The prior art made of record and relied upon is considered to applicant's disclosure.

Art Unit: 2161

Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Monday, Tuesday, and Wednesday from 5:30AM. to 6:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9769.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

or faxed to:

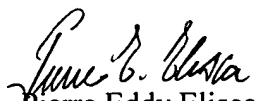
(703) 308-9051, (for formal communications intended for entry)

OR:

(703) 305-3718 (for informal or draft communications, please label

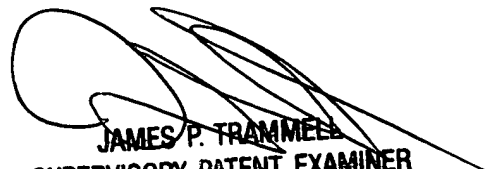
"PROPOSED" or " DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth floor (receptionist).


Pierre Eddy Elisca

Patent Examiner

July 05, 2001


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100